



THE CITY OF NEW YORK
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July 22, 2019

By ECF

Honorable Sandra J. Feuerstein
United States District Judge
Eastern District of New York
100 Federal Plaza, Courtroom 1010
Central Islip, New York 11722

Re: *Patricia Cummings v. The City of New York, et al.*,
19 CV 01664 (SJF) (SIL)
Our No. 2018-080725

Dear Judge Feuerstein:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants The City of New York, NYC Mayor Bill de Blasio, Councilmember Jumaane D. Williams¹, and Councilmember Daniel Dromm (together the “City Defendants”), as well as the New York City Department of Education (“DOE”), City of New York Office of Special Investigations (“OSI”); Giulia Cox, and Courtney Ware (together the “DOE Defendants”).

I write to respectfully request that the Court consider the motion to dismiss that the City Defendants and DOE Defendants have filed today as an uncontested motion to dismiss. In accordance with Your Honor’s Individual Rules and Judge Locke’s Order dated April 22, 2019, City Defendants and DOE Defendants served plaintiff by mail with a fully dispositive motion to dismiss on July 1, 2019 and also emailed a copy of the motion papers to plaintiff’s counsel. That same day, City Defendants and DOE Defendants also filed a copy of the cover letter they served with their motion on ECF in accordance with the Court’s Individual Rules.

¹ Councilmember Williams is now the Public Advocate for the City of New York.

Pursuant to the Court's Individual Rule 4(A), plaintiff was to serve defendants with her opposition, if any, and also file a copy of her cover letter on ECF within 14 days of service. To date, however, plaintiff has not filed a cover letter on ECF, City Defendants and DOE Defendants have not received any opposition papers from the plaintiff, and the undersigned counsel has also not received any request from plaintiff's counsel for additional time to respond to the motion to dismiss. Accordingly, City Defendants and DOE Defendants respectfully request that the Court consider today's motion as an uncontested motion to dismiss.

Thank you for your consideration of this request.

Respectfully Submitted,

/s/ Aliza J. Balog
Aliza J. Balog
Assistant Corporation Counsel

cc: Counsel of Record (via ECF)